

**ENTERED**

July 29, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

RUBEN GUZMAN,

§

Plaintiff,

§

VS.

§

CIVIL ACTION NO. 1:20-CV-094

ANDREW SAUL,

§

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiff Ruben Guzman seeks review of the Administrative Law Judge's decision to deny him Disability Insurance Benefits and Supplemental Security Income. (Compl., Doc. 1) He moves for summary judgment. (Guzman MSJ, Doc. 19) Defendant Andrew Saul, Commissioner of the Social Security Administration, also moves for summary judgment and responded to Guzman's Motion. (Saul MSJ, Doc. 20; Response, Doc. 21) Guzman did not respond to Saul's Motion for Summary Judgment.

On June 29, 2021, the United States Magistrate Judge issued a Report and Recommendation concluding that substantial evidence did not support the ALJ's decision and recommending that the case be remanded to the Commissioner of Social Security for further proceedings. (Report and Recommendation, Doc. 23) No party filed any objections to the Report and Recommendation. The Court finds no plain error in the Report and Recommendation. The Court agrees, however, that it need not reach the issue of whether Guzman could perform jobs in the national economy, and that the analysis may differ based on the proceedings on remand.

The Court **ADOPTS** the Report and Recommendation, with the exception of Section V.B.

As a result, it is:

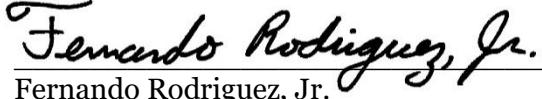
**ORDERED** that Plaintiff Ruben Guzman's Motion for Summary Judgment (Doc. 19) is **GRANTED** as to the Administrative Law Judge's conclusion that Guzman's intellectual and mental limitations were not severe;

**ORDERED** that Defendant's Motion for Summary Judgment (Doc. 20) is **DENIED**; and  
**ORDERED** that this case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further hearings not inconsistent with this Order and the adopted Report and Recommendation, pursuant to sentence four of the Social Security Act, 42 U.S.C. § 405(g).

All other relief not expressly granted is denied.

The Clerk of Court is directed to close this matter.

Signed on July 29, 2021.

  
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Fernando Rodriguez, Jr.  
United States District Judge